INTERIOR BOARD OF INDIAN APPEALS

William Federico v. Minneapolis Area Director, Bureau of Indian Affairs

17 IBIA 139 (06/16/1989)
On October 6, 1988, the Board of Indian Appeals (Board) received a letter from William Federico (appellant) asking it to assume jurisdiction over an appeal he had filed with the Washington, D.C., office of the Bureau of Indian Affairs (BIA) on August 12, 1987. The appeal involved appellant's request for the partitioning of the James Waw-bo-ge-maw allotment in the NW 1/4 NE 1/4 of sec. 13, T. 14 N., R. 3 W., on the Isabella Reservation of the Saginaw Chippewa Indian Tribe of Michigan. Partitioning was denied by the Minneapolis Area Director, BIA, in a decision dated July 17, 1987.

By order dated October 7, 1988, the Board made a preliminary determination that it had jurisdiction over the appeal under former 25 CFR 2.19 and requested the administrative record.

On January 30, 1989, before the conclusion of briefing in this appeal, the Board received a joint request for a stay of further proceedings on the grounds that the parties were engaged in settlement negotiations. A stay was granted by order dated January 31, 1989.

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1/ Former 25 CFR 2.19 provided in pertinent part:
(a) Within 30 days after all time for pleadings (including extension granted) has expired, the Commissioner of Indian Affairs [or Bureau of Indian Affairs official exercising the administrative review authority of the Commissioner] shall:
   (1) Render a written decision on the appeal, or
   (2) Refer the appeal to the Board of Indian Appeals for decision.
(b) If no action is taken by the Commissioner within the 30-day time limit, the Board of Indian Appeals shall review and render the final decision.

On June 12, 1989, the Board received a joint proposed Stipulation and Order to Partition and Dismiss the appeal. The proposed settlement grants the requested partitioning of the James Waw-bo-ge-maw allotment.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the proposed settlement is approved and this appeal is dismissed with prejudice.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge